IN THE DRAWING:

Please substitute the enclosed two Replacement Sheets for the corresponding original sheets. The changes being made are reflected on the accompanying two Annotated Sheets (labeling Figs. 14-16 as prior art).

REMARKS

This application has been reviewed in light of the Office Action dated October 6, 2005. Claims 1-30 are presented for examination, of which Claims 1 and 13 are in independent form. Claims 1-24 have been amended to define still more clearly what Applicant regards as his invention. Claims 25-30 have been added to provide Applicant with a more complete scope of protection. Replacement drawing sheets on which Figs. 14-16 have been labeled as prior art are submitted herewith. Favorable reconsideration is requested.

The word "type" has been eliminated from the claims, in response to the objection entered to Claims 3 and 4.

Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,750,892 (Suzuki).

As is discussed in the specification, color-output apparatuses such as color copiers, facsimile machines, etc., have employed the technique of measuring colors (say, red, blue and green) reflected from patch images form by the apparatus, and adjusting the image formation process accordingly. When such a patch has a particularly high density (low reflectance), however, it is frequent that the measured values are so small that they are literally lost in the quantization process and noise. The present invention is concerned with solving this problem, and does so by carrying out measurement of such patches, in a manner that is based on the characteristic(s) of each respective patch.

Independent Claim 1 is directed to a color image forming apparatus that comprises an image forming unit which forms a color image on a recording material, and a color measuring unit that optically measures plural colors of each of plural patch images formed on a recording material by the image forming unit, by detecting reflected light of

each color from each patch image. A measuring condition controller variably sets a measuring condition of the color measuring unit in accordance with the patch image to be measured, and a forming condition controller controls an image forming condition on the basis of a measuring result from the color measuring unit.

Among other notable features of the apparatus of Claim 1 is variably setting a measuring condition in accordance with a patch image to be measured, optically measuring each of plural colors of a plurality of patch images formed on a recording material, by detecting reflected light of various colors from the patch images, and controlling an image forming condition on the basis of the measuring result. By virtue of these features, in particular because the measuring condition is variably set in accordance with the patch image to be measured, a reliable and precise detection of the patch is achieved, even if the patch has a very low reflectance.

In contrast, *Suzuki* relates to a system that performs detection of a patch image and the variable control of the light amount by varying "VREF." In the *Suzuki* system, however, VREF is used for forming an image by varying a light amount of laser. Nothing has been found in *Suzuki*, nor po9inted out, that would teach or suggest variably setting a measuring condition in accordance with a patch image to be measured, much less optically measuring each of plural colors of a plurality of patch images formed on a recording material, by detecting reflected light of each color from the patch images, much less any actual means for carrying out these processes. In the *Suzuki* system, it is unnecessary to set a measuring condition variably in accordance with a patch image, and one or ordinary skill would have no reason to attempt to introduce such measurement into the *Suzuki* system. Such measurement being absent from the *Suzuki* system, it follows that

nothing in that patent teaches or suggests controlling an image forming condition on a basis of the result of such a measurement.

For all these reasons, it is believed to be clear that Claim 1 is allowable over *Suzuki*.

Independent Claim 13 is a method claim corresponding to apparatus Claim 1, and is deemed allowable over *Suzuki* for the same reasons as those given above in connection with Claim 1.

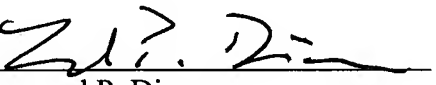
A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

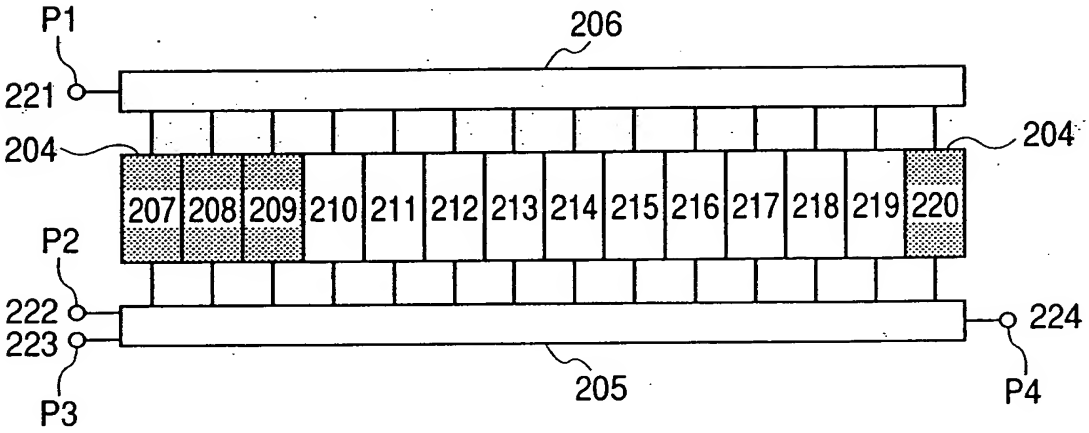
NY_MAIN 543885v1

FITZPATRICK, CELLA, HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10112

Appln. No. 10/772,359
Annotated Sheet
Atty. Docket No. 03500.017894

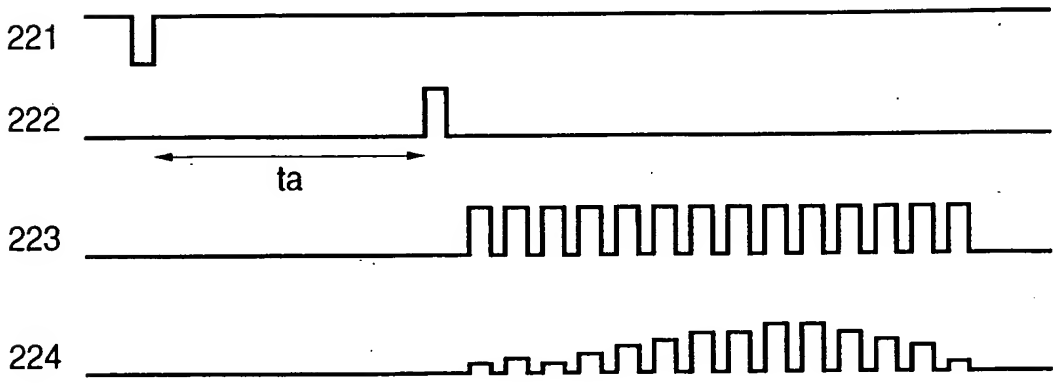
PRIOR ART

FIG. 14



PRIOR ART

FIG. 15



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Prior Art
FIG. 16